

**MANDATE**  
**United States Court of Appeals**  
**For the First Circuit**

03-12565  
Honorable Patti  
B. Saris  
MAISO

No. 05-1057

KIPP R. GIBBS,  
Plaintiff, Appellant,

v.

SLM CORPORATION, ET AL.,  
Defendants, Appellees.

Before

Boudin, Chief Judge,  
Lynch and Lipez, Circuit Judges.

JUDGMENT

Entered: August 23, 2005

The judgment of the district court is affirmed essentially for the reasons stated in its published opinion, Gibbs v. SLM Corp., 336 F.Supp.2d 1 (D.Mass. 2004), and its Order of November 30, 2004, dismissing newly amended Counts 3 and 5 without opposition. See 1st Cir. R. 27(c). We add only that the court did not remotely abuse its discretion by dismissing what remained of the case after plaintiff ignored its pointed warning.

Affirmed.

By the Court:

Richard Cushing Donovan, Clerk.

Certified and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

MARGARET CARTER

  
Deputy Clerk

By: \_\_\_\_\_  
Chief Deputy Clerk.

Date: 9/15/05

cc: John Ogbodo Eze  
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